

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

Adel Yatoma,

CHAPTER 13

CASE NO. 21-40533-SJS

JUDGE SUCCESSOR TO JUDGE SHEFFERLY

DEBTOR.

/

**TRUSTEE'S OBJECTION TO CONFIRMATION OF
FIRST MODIFIED, PRE-CONFIRMATION CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to confirmation of the First Modified, Pre-Confirmation Chapter 13 Plan, and in support thereof states as follows:

1. Trustee has not received copies of Debtor's non-filing spouse's 2018 and 2019 Federal Income Tax Return as required by 11 USC Section 521 and Local Bankruptcy Rule 2003-2. Without that documentation it cannot be determined whether the Plan complies with 11 USC Section 1325.

2. Amended Schedule J includes an expense of \$285.00 per month for a vehicle payment. There is no corresponding vehicle payment treated in the Plan and Debtor's Schedules do not disclose an ownership or leasehold interest in any corresponding vehicle. Amended Statement of Financial Affairs question 23 indicates that Debtor is now in possession of a vehicle owned by Imad Adel-Zeiya but does not disclose how Debtor came into possession of that vehicle or Debtor's obligation to make payments for in connection with that vehicle. Without clarification, the Plan does not comply with 11 USC Section 1325 or 11 USC Section 1329.

3. Debtor's Amended Statement of Financial Affairs indicates that Debtor is now in possession of a vehicle owned by Imad Adel-Zeiya and Debtor's Amended Schedule J includes a payment for what appears to be this vehicle. Debtor has not sought authorization of this Court to incur debt and Trustee has not received any documentation concerning the existence of this vehicle or Debtor's obligation to make payments in connection with this vehicle. To the extent that Debtor has incurred debt without authorization of this Court in violation of 11 USC Section 364, Debtor should not be permitted to deduct the payment on that debt in calculating

disposable income. Without clarification, the Plan does not comply with 11 USC Section 1325.

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the Plan unless modified to meet these objections or, in the Court's discretion, dismiss the Chapter 13 Case pursuant to 11 USC Section 1307(c) or, provide such other relief as this Court deems appropriate.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: April 12, 2021

By: /s/ Thomas D. DeCarlo
DAVID Wm. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
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DEBTOR.

**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO
CONFIRMATION OF THE DEBTOR'S FIRST MODIFIED,
PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on April 12, 2021, I electronically filed the Trustee's Objection to Confirmation of the Debtor's First Modified, Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

KALLABAT & ASSOCIATES PC
31000 NORTHWESTERN HIGHWAY
SUITE 201
FARMINGTON HILLS, MI 48334-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Adel Yatoma
6190 Village Park Drive
Apt. 104
West Bloomfield, MI 48322-0000

/s/ Vanessa Wild
Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755